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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 918,465	08 01 2001	Yoshinori Inokuchi	YAMAM-176	2874

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EXAMINER

PENG, KUO LIANG

ART UNIT PAPER NUMBER

1712

DATE MAILED: 09 30 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,465

Applicant(s)

INOKUCHI, YOSHINORI

Examiner

Kuo-Liang Peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/17/02 Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 1-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: English translation of JP 11-181095 and JP 06-122516.

### **DETAILED ACTION**

1. The Applicants' amendment filed on December 17, 2002 was received. Claim 1 is amended and Claim 9 is added.
2. In view of the following rejections, the indication of the allowability of Claims 1-8 in the previous Office Action are withdrawn.

### ***Claim Objections***

3. Claims 1-8 are objected to because of the following informalities:  
  
In Claim 1 (line 7), should "with a time" be -- in a concentration of the metallic ions in the range from --?  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
  
A person shall be entitled to a patent unless --  
  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1, 3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams (US 5 801,262).

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Adams discloses a method of preparing polysiloxane microspheres (col. 1, line 56 to col. 2, line 12). Water-soluble electrolytic compounds such as disodium lauryl phenol ether disulfonate, etc. can be used (col. 2, lines 39-48 and Examples). A base of ammonium hydroxide can be used which provide a basic aqueous medium (col. 2, lines 49-59 and Examples). Organotrialkoxysilane can be used which can be added to the reaction medium over a period of 60 minutes, etc. (Examples). The reaction temperature can be 15°C (Examples 4, 5, etc.). Notes Adams' method including an agitation intensity which does not increase the agglomeration of the globular particles formed because the method yields microspheres with narrow size distribution indicating that no agglomeration occurs (col. 2, lines 1-12).

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Woodgate (EP 934 965).

Woodgate discloses a method for preparing polysiloxane particles ([0006]). Monomethylamine, magnesium hydroxide, etc. can be used in an amount of at least 0.01%, preferably 0.01% to 1wt% ([0011]). Alkyltrialkoxysilane can be used ([0012]). Woodgate's method including an agitation intensity which does not increase the agglomeration of the globular particles formed because the method yields microspheres with narrow size distribution indicating that no agglomeration occurs ([0013]). The reaction can be carried out at 20°C for overnight ([0018]).

7. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto (JP 06-122516).

Hashimoto discloses a method for preparing polysiloxane particles ([0018]-[0025] and [0030]). Note that an organotrialkoxysilane can be used ([0023]). Ammonia, propylamine, aniline, etc. can be used ([0020]). The reaction temperature can be 0 to 40°C ([0030]). Hashimoto's method including an agitation intensity which does not increase the agglomeration of the globular particles formed because the method yields microspheres with uniform size distribution indicating that no agglomeration occurs ([0006]).

8. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama (JP 11-181095).

Nakayama discloses a method for preparing polysiloxane particles ([0015]-[0021] and Examples). Amines such as monomethylamine, etc. or ammonia can be used to afford a medium which can have a pH value of 10.5 to 11.0 ([0023] and [0025]). A water-soluble electrolytic compound such as alkali salt of fatty acids, potassium salt of oleic acid, etc. ([0026]). The reaction temperature can be 0 to 40°C and reaction time can be 1 to 20 hrs ([0028]). Example 1 illustrates the use of sodium dodecylsulfate (SDS) in an amount of  $2 \times 10^{-4}$  M (0.004 g in 80 g H<sub>2</sub>O). Other amounts of SDS can also be found in Table 2. The amount of organotrialkoxysilane can be found in Examples, such as 8 g of organotrialkoxysilane in about 80 g of aqueous alkaline solution as illustrated in Example 1. Nakayama's method including an agitation intensity which does not increase the agglomeration of the globular particles formed because the method suppresses the formation of "giant" particles ([0015]).

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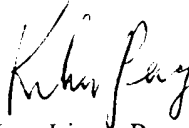
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (703) 306-5550.

The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson, can be reached on (703) 308-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

klp  
September 17, 2003

  
Kuo-Liang Peng  
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